

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8576 OF 2004

Dyaneshwar Kondiba Londhe & Ors. .. Petitioners.
Vs.
Pimpri Chinchwad Municipal
Corporation & Ors. .. Respondents.

Mr.N.V.Vechalekar for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 4TH NOVEMBER, 2004

P.C.:

. Heard Mr.Vechalekar, learned counsel for
the petitioners.

2. This petition is directed against the order dated 11.8.2004 passed in the application Exhibit-32, filed by respondent nos.2 to 5 under Order 1 Rule 10(2) of the Civil Procedure Code by which the said application has been allowed. The petitioners have filed a suit seeking declaration that the notice issued by respondent no.1 in respect of the suit property be declared null and void and further that respondent no.1 has no right and authority to revoke the building permission granted in respect of the said property. There

does not seem to be any dispute that the building permission has been revoked by respondent no.1 on the complaint made by respondent nos.2 to 5. In view thereof they filed the application for impleading them as party defendant in the suit. Mr.Vechalekar, learned counsel for the petitioners challenged the order mainly on the ground that in view of the peculiar facts and circumstances of the case respondent nos.2 to 5 are not necessary and proper parties to the suit. They do not have any direct or indirect interest in the suit property and the notice issued by respondent no.1. In support of his contention he placed reliance upon the judgment of the Apex Court in **Ramesh Hirachand Kundanmal Vs. Municipal Corporation of Greater Bombay & Ors.** 1992 (3) Bom.C.R. 110 and the judgment of this court in **Dr.Harisha s/o Ramdeo Baheti & Ors. Vs. Municipal Corporation of Amravati & Anr.** 1987 (3) Bom.C.R. 19. I perused the impugned order as also the judgment relied upon by the learned counsel for the petitioners. It is clear from the facts of the case that issuance of impugned notice and action of revocation of the building permission was on the basis of the complaint made by respondent nos.2 to 5. Keeping that in view the learned Judge has observed that

presence of respondent nos.2 to 5 before the court is necessary in order to enable the court to completely adjudicate upon all the questions involved in the suit. Order 1 Rule 10 of the Civil Procedure Code enables the court to add any person as party at any stage of the proceedings, if the court is satisfied that the presence of such party is necessary in order to enable the court to effectively and completely adjudicate upon and settle all questions involved in the suit. Avoidance of a multiplicity of proceedings is also one of the objects of the said provisions in the Code. Keeping that in view, in my opinion, the judgments relied upon by Mr.Vechalekar, learned counsel for the petitioners are of no avail to the petitioners. To my mind the Court below has rightly allowed the application under Order 1 Rule 10(2) of the Civil Procedure Code for the reasons recorded in the impugned order. I find no reason to interfere with the impugned order. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)